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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,711	09/04/2003	Billy R. Masten		7176

7590 12/29/2005

Dorsey L. Baker
4603 Eleventh Street
Lubbock, TX 79416

EXAMINER

MERLINO, AMANDA H

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,711

Applicant(s)

MASTEN, BILLY R.

Examiner

Amanda H. Merlino

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two occurrences of claim 6. Misnumbered claims 6-25 been renumbered 7-26 respectively as shown in the marked up copy of the claims. All dependencies have been renumbered as well. Please provide a clean copy of the claims with the response to this office action.

Claim Objections

Claims 1, 5, 7, 13, 17 and 21 objected to because of the following informalities:

- a) on line 8 of claim 1, it appears that "an object" should read "said object";
- b) on line 1 of claim 5, it appears "said microcontroller" should read "said controller";
- c) on line 9 of claim 7, "the reflecting" should be deleted;
- d) on line 6 of claim 13, " an object" should read "said object";
- e) on line 6 of claim 13, "of" should be added after "segments";
- f) on line 6 of claim 17, "an object" should read "said object";
- g) on line 6 of claim 21, "material" should read "said material";

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 21-22, and 24 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mcika (3,909,602).

With regards to claim 1, 7-8, 10, 12, 13, 21-22, and 24 Micka et al teach of a machine vision apparatus and method comprising a lens (28) for directing reflected light from a standard section of an object (10) upon a sensor array(14) to obtain spatial segments of the object by scanning along the length of the object (10), a controller (30) for obtain the data representative of said reflected light of said standard section of said array and for obtaining data representative of additional reflection of light in spatial segments, said controller including a digital logic chip for comparing the data with an algorithm to identify a deviation from an acceptable standard.

With regards to claim 2 and 11, Micka et al teach of an A-D converted for converting the data to digital form (col 9; lines 15-18).

With regards to claim 3 and 9, Micka et al teach of the additional reflections being taken from a different object for comparing two objects (figure 2).

With regard to claim 4-6, 12, and 14-15, Micka et al teach of a microcontroller wherein the microcontroller is a processor having memory for receiving reflected light from a standard section and receiving data representative of the additional reflections.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 16-20, and 21-26 rejected under 35 U.S.C. 102(b) as being clearly by anticipated by Masten (6,919,959).

Masten teach of an inspection unit comprising a digital identifier (36) having a first memory containing electronic information representative of the spectral reflected light from spatial segments of an object and a second memory containing electronic information representative of spectral reflected light from other objects by scanning along the object, said identifier having a logic unit for comparing the electronic information representative from an object and other object through a regression algorithm. Examiner notes that Masten achieves spatial distribution of reflected light by scanning along a length or width of the object under testing.

With regards to claim 25-26, the recitation of the intended use of the claimed invention (use as a safety device and/or security device) must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

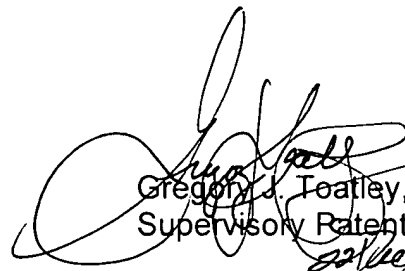
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda H Merlino whose telephone number is 571-272-2421. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley, Jr. can be reached on 571-272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda H Merlino
Patent Examiner
Art Unit 2877
December 22, 2005


Gregory J. Toatley, Jr.
Supervisory Patent Examiner